

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

Ocean Semiconductor LLC,

Plaintiff

v.

Western Digital Technologies, Inc.

Defendants.

Civil Action No.: 6:20-cv-1216

JURY TRIAL DEMANDED

PATENT CASE

CASE READINESS STATUS REPORT

Plaintiff Ocean Semiconductor LLC (“Ocean”) and Western Digital Technologies, Inc. (“WDT”) hereby provide the following status report in advance of the initial Case Management Conference (“CMC”).

FILING AND EXTENSIONS

Plaintiff’s Complaint (Dkt. 1) was filed on December 31, 2020. There has been one extension for a total of forty-five days.

RESPONSE TO THE COMPLAINT

WDT filed a Motion to Dismiss for Failure to State a Claim (Dkt. 12). As the motion is pending and potentially case dispositive, WDT has not answered the Complaint.

PENDING MOTIONS

Currently pending before this Court is WDT's Motion to Dismiss (Dkt. 12) and Ocean's Motion for Leave to File Sur-Reply in Opposition to Defendant Western Digital Technologies, Inc.'s Motion to Dismiss for Failure to State a Claim (Dkt. 21).

RELATED CASES IN THIS JUDICIAL DISTRICT

1. *Ocean Semiconductor LLC v Mediatek Inc. and Mediatek USA Inc.*, Civil Action No. 6:20-cv-1210-ADA (W.D. Tex.)
2. *Ocean Semiconductor LLC v. NVIDIA Corporaton*, Civil Action No.: 6:20-cv-1211-ADA (W.D. Tex.)
3. *Ocean Semiconductor LLC v. NXP Semiconductors N.V., NXP B.V. and NXP USA, Inc.*, Civil Action No.: 6:20-cv-1212-ADA (W.D. Tex.)
4. *Ocean Semiconductor LLC v. Renesas Electronics Corporation and Renesas Electronics America, Inc.*, Civil Action No.: 6:20-cv-1213-ADA (W.D. Tex.)
5. *Ocean Semiconductor LLC v. Silicon Laboratories Inc.*, Civil Action No.: 6:20-cv-1214-ADA (W.D. Tex.)
6. *Ocean Semiconductor LLC v. STMicroelectronics, Inc.*, Civil Action No.: 6:20-cv-1215-ADA (W.D. Tex.)

IPR, CBM, AND OTHER PGR FILINGS

On April 29, 2021, WDT filed a petition for *inter partes* review of U.S. Patent No. 6,660,651 before the Patent Trial and Appeal Board of the United States Patent and Trademark Office (IPR Case No. IPR2021-00864).

NUMBER OF ASSERTED PATENTS AND CLAIMS

In the Complaint, Plaintiff has identified seven patents and a total of seven claims as being infringed by WDT. Plaintiff states that it will set forth all asserted claims in its preliminary infringement contentions.

APPOINTMENT OF TECHNICAL ADVISER

Plaintiff does not intend to request, nor anticipates a need for, a technical adviser at this juncture. WDT believes that the Court's appointment of a technical adviser will be useful in this case.

MEET AND CONFER STATUS

Plaintiff emailed WDT a draft notice of readiness on May 3, 2021. In response, WDT provided its edits to Plaintiff for review and approval prior to filing this notice of readiness.

Based on the language in n.1 of the Court's Standing Order dated November 19, 2020, it is not clear to WDT that a notice of readiness is due yet since the "last defendant in a set of related cases" has not yet "answer[ed] or otherwise respond[ed]." Two NXP foreign defendants in a related case (*Ocean Semiconductor LLC v. NXP Semiconductors N.V., NXP B.V. and NXP USA, Inc.*, Civil Action No.: 6:20-cv-1212-ADA (W.D. Tex.)) have not yet answered or otherwise responded to the complaint. Plaintiff's position is that those foreign entities have not been served and therefore need not answer or otherwise respond to Plaintiff's complaint. Thus, in Plaintiff's view, the notice of readiness for this pending action between Plaintiff and WDT is now due.

WDT intends to move for transfer under 28 U.S.C. § 1404. Otherwise, the parties have no pre-*Markman* issues to raise at the case management conference, other than those already identified in the pending motions (Dkt. 12 and Dkt. 21).

Dated: May 5, 2021

Respectfully Submitted,

/s/ Alex Chan

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CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2021, a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's CM/ECF system.

/s/ Alex Chan

Alex Chan